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REMARKS

In the non-final Office Action mailed April 18, 2003, the Examiner rejected claims 23 and 24 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; rejected claims 6, 7, 9, 11, 12, 16, 17, and 25 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,694,322 to Westerlage et al.; rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of U.S. Patent No. 6,028,537 to Suman et al.; rejected claims 10, 14, and 23 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of U.S. Patent No. 6,301,533 to Markow; rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of U.S. Patent No. 5,497,323 to McCall et al.; rejected claims 15 and 24 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Markow and U.S. Patent No. 5,278,547 to Suman et al.; rejected claims 18-22 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of U.S. Patent No. 4,875,167 to Price et al.; rejected claims 1 and 2 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,297,781 to Turnbull et al. in view of Suman et al. '547; and rejected claims 3-5 under 35 U.S.C. 103(a) as being unpatentable over Turnbull et al. in view of Suman et al. '547 and McCall et al.

By this Amendment, Applicant has canceled claim 12 without prejudice and has amended claims 6, 8, 13, 14, 16-19, 23, and 25 to more clearly define the present invention, and has added new claim 26 to recite additional features. Claims 8, 18, and 25 have been rewritten in independent form, however, the scope of these claims has not been changed by this Amendment. Claims 13, 14, 17, and 19 have been amended to depend from independent claim 18 and claims 16 and 23 have been amended to depend from independent claim 25. Accordingly, claims 1-11 and 13-26 remain pending.

Applicant respectfully traverses the rejection of claims 23 and 24 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. 35 U.S.C. §112, second

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paragraph does not require a one-to-one correspondence of claim terminology and the terminology in the specification. In fact, it is improper to attempt to read limitations into the claims from the specification. 35 U.S.C. §112, second paragraph only requires that one skilled in the art would understand the scope of the claims. The term "mileage accumulated during vehicle travel" is broadly recited in claim 23 such that claim 23 is not limited to either business mileage or personal mileage. Moreover, the recited "first door unlock signal" is not limited to a door unlock signal that triggers the tracking of business mileage or personal mileage, nor for that matter is the recited "second door unlock signal" so limited.

Applicant submits that one skilled in the art would clearly understand the scope of claim 23 from the language employed. As clearly recited in claim 23, the tripmeter displays mileage accumulated during vehicle travel following receipt by the input device of the second door unlock signal. The tripmeter also does not accumulate mileage accumulated during vehicle travel following receipt by the input device of the first door unlock signal. Although Applicant could amend claim 23 by switching the order of references of the first and second door unlock signals, such an amendment would not affect the scope of claim 23 since the terms "first" and "second" are arbitrary in the first place.

Applicant also notes that claim 19 of the parent application patent recites identical language to that now objected to by the Examiner.

For the reasons stated above, claim 23 is allowable, as is claim 24 which depends therefrom.

Applicant respectfully traverses the rejection of claims 1 and 2 under 35 U.S.C. 103(a) as being unpatentable over Turnbull et al. in view of Suman et al.

As to claim 1, the Examiner argues that Turnbull et al. discloses a mileage display system for a vehicle comprising: a receiver (receiver 136) for receiving a signal from remote transmitter (transmitter 134). However, transmitter 134 is not a remote transmitter, as it is located in the vehicle (col. 9, 39-44). Also, as the Examiner correctly states on the last two lines of page 10 of the Office Action, Turnbull et al. does not disclose that the signal received by the receiver 136 is from the transmitter 134.

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In addition, Turnbull et al. does not disclose "a mileage accumulator coupled to said receiver for accumulating vehicle mileage received from a mileage sensor as the vehicle travels in response to a signal received by said receiver from the remote transmitter." In no way is the mileage accumulator disclosed in Turnbull et al. "responsive" to signals received from remote transmitters. The Examiner argues that Suman et al. '547 teaches a control module coupled to the vehicle's electrical system for providing predetermined control functions, which can be varied according to the positions selected by the switches and the driver as determined by the switch or the received code from a remote keyless entry transmitter which includes three push-button switches. However, nowhere does Suman et al. '547 disclose a function of the control module being to direct the system to accumulate mileage in response to a signal from the remote transmitter. Suman et al. '547 states that the functions of the program switches are to determine how the doors of the vehicle are unlocked (col. 4 line 22 - col. 4 line 28). It is not disclosed or suggested by Suman et al. '547 that the switches be used to direct the system to accumulate mileage.

The Examiner states that it would have been obvious to modify the Turnbull et al. system to include the signal received by the receiver from the remote transmitter as taught by Suman et al. '547 "in order that travel distance can be accumulated during vehicle travel in response to a signal received by the receiver from the remote transmitter." However, this stated motivation for combining Turnbull et al. nor Suman et al. '547 is not found in either Turnbull et al. nor Suman et al. '547, but appears to be based solely on hindsight reconstruction of the claimed invention. Nowhere do these references suggest that such a goal was known in the art let alone be desirable. Without having benefit of hindsight, why would one of ordinary skill in the art have wanted to enable travel distance to be accumulated in response to a signal received by a receiver from a remote transmitter?

For the reasons stated above, Applicant submits that neither Turnbull et al. nor Suman et al. '547 et al., whether considered separately or in combination, teach or suggest each and every feature of independent claim 1 and, thus, independent claim 1, as well as claims 2-5,

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which depend therefrom, are allowable over the teachings of Turnbull et al. in view of Suman et al. '547.

Applicant respectfully traverses the rejection of claims 3-5 under 35 U.S.C. 103(a) as being unpatentable over Turnbull et al. in view of Suman et al. '547 and McCall et al.

As to claim 3, the switch disclosed by McCall et al. does not selectively transmit the travel distance signal. In McCall et al., the travel distance signal (pulse signal 38) is *always* transmitted. In claim 3, the purpose of the switch is to *selectively* send the signal depending on the position of the switch. In McCall et al., rather than controlling when the travel distance signal is or is not transmitted, the switches control what is *displayed* on the display. Accordingly, claim 3 is allowable for this additional reason, as are claims 4 and 5 which depend therefrom.

As to claim 4, the switching devices (130) in Turnbull et al. do not perform the same function as Applicant's claimed switch. According to the present invention, the switch selects when the vehicle travel distance signal is transmitted. Turnbull et al. does not disclose or suggest that switch 130 selectively determines when the vehicle travel distance signal is passed on to the processor. The Examiner argues that McCall et al. teaches calculating in response to the vehicle travel distance signal selectively transmitted through the switching device signal. But again, in McCall et al., at no time is the vehicle travel distance signal transmitted through the switch. The switch in McCall et al. only controls what is displayed. It cannot be said that McCall et al. teaches calculating in response to the vehicle travel distance signal selectively transmitted through the switching device signal, since McCall et al. has no travel distance signal that is selectively transmitted. Accordingly, claim 4 is allowable for this additional reason, as is claim 5 which depends therefrom.

Claim 5 recites that "said processing circuit is coupled to said receiver and controls said switching device to transmit the vehicle travel distance signal when the signal is received from said receiver." Again, as mentioned above, the switch disclosed by McCall et al. only controls what is displayed on the display, and does not at any time "switch" or "transmit" a vehicle travel distance signal. Accordingly, claim 5 is allowable for this additional reason.

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For the reasons stated above, Applicant submits that Turnbull et al. in view of Suman '547 et al. and further in view of McCall et al. fails to teach or suggest each and every feature of claims 2-5 and, thus, claims 2-5 are allowable over the teachings of Turnbull et al. in view of Suman et al. '547 and McCall et al.

Applicant respectfully traverses the rejection of claims 6, 7, 9, 11, 12, 16, 17, and 25 under 35 U.S.C. 102(b) as being anticipated by Westerlage et al. Nevertheless, with respect to claim 12, Applicant has canceled this claim without prejudice.

Amended independent claim 6 recites a vehicle mileage tracking system comprising at least "a tripmeter mounted in a vehicle for tracking travel distance of the vehicle ... wherein said tripmeter further stores an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip." Westerlage et al. does not disclose storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip. Accordingly, independent claim 6 is not anticipated by Westerlage et al. Further, claims 7 and 9-11 and new claim 26, which all depend from claim 6, are also allowable over Westerlage et al.

With respect to claim 9, the Examiner argues that Westerlage et al. disclose a computer being a computer server coupled to a local area network. But Westerlage at no time discloses a computer operating as a server, or connected to a local area network. In figure 1, Host (35), Dispatch (30), MTSO (42) and the Taxing Authority (32) are never described as being computer servers, or being connected to a local area network. Westerlage et al. indicates that Dispatch (30) collects destination information from several Hosts (35) (Column 6 lines 33-34), but does not disclose this taking place on a local area network. Westerlage et al. also indicates that Dispatch (30) transfers vehicle distance, tax information, and actual payment for taxes to the Taxing Authority (32), and indicates that this might occur by physically mailing a check or through electronic funds transfer like EDI. Again, at no point does Westerlage et al. disclose or suggest that communication among these entities occurs via a local area network.

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For the reasons stated above, Applicant submits that Westerlage et al. fails to teach or suggest each and every feature of claim 9 and, thus, claim 9 is allowable over the teachings of Westerlage et al., as is claim 10 which depends therefrom.

With respect to claims 11 and 25, the Examiner argues that Westerlage et al. discloses the transmitter being a transceiver for receiving and interrogation signal and for transmitting vehicle mileage in response to the interrogation signal. However, Westerlage et al. neither discloses nor suggests a transceiver that transmits in response to an interrogation signal. The transceiver in Westerlage et al. transmits "based on some configurable condition, such as a predetermined reporting interval, a full memory buffer, a store and forward routine, or a minimum signal strength received from communications link 40." The only one of these activities that remotely approximates "transmitting vehicle mileage in response to the interrogation signal" is when the transceiver transmits based on "a minimum signal strength received from communications link 40." However, transmission in response to signal strength is not the same as transmitting in response to an interrogation signal. An interrogation signal, by definition, is a signal that is sent out to a device in order to request information. But here, communications link 40 is not sending out a signal to request information. It sends out a signal in order to carry information. Communications link 40 is always sending out a carrier signal. It is only when the transceiver happens to pass within a certain distance of this signal that it transmits information.

For the reasons stated above, Applicant submits that Westerlage et al. fails to teach or suggest each and every feature of claims 11 and 25 and, thus, claims 11 and 25 are allowable over the teachings of Westerlage et al. Claims 16, 23, and 24 are also allowable based on their dependence upon independent claim 25.

Claim 17 has been amended to depend from claim 18 and thus is allowable for the reasons stated below with respect to independent claim 18. In the Office Action, the Examiner argues with respect to claim 17 that Westerlage et al. discloses that the vehicle tripmeter time- and date-stamps mileage trip segments that are recorded between periods. The Examiner argues that although Westerlage et al. does not expressly disclose that segments are time

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stamped between the vehicle ignition being turned on and off, it is considered inherent in Westerlage et al., because it is a necessary requirement in order that the odometer data computer system can start accumulating the trip mileage when the engine is turned on and stop accumulating the trip mileage when the engine is turned off. However, time stamping when the ignition is turned on or off is not required because the Westerlage et al. system would know when the vehicle had arrived at a given location based on GPS location information, and the fact that the vehicle is no longer moving (based on the GPS information). The Westerlage et al. system would still know that the truck had reached its destination based on GPS information, independently of whether the ignition was turned on or off. As an example, consider what would occur if the driver of a vehicle using the Westerlage et al. system turned her ignition on and off at each stoplight during her journey to her final destination. Independent of this, the Westerlage et al. system would still know when she had reached her final destination (based on GPS information), and would still know the distance traveled during the trip (again, based on GPS coordinates). Since turning the ignition on and off is not a necessary requirement for the Westerlage et al. system to function as disclosed, it cannot be considered to be inherent, and is not obvious.

For the reasons stated above, Applicant submits that Westerlage et al. fails to teach or suggest each and every feature of claim 17 and, thus, claim 17 is allowable over the teachings of Westerlage et al.

Applicant respectfully traverses the rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of U.S. Patent No. 6,028,537 to Suman et al. The Examiner argues that Suman et al. '537 teaches the transmitter transmitting an identification code to the receiver to identify the vehicle to the computer. However, what Suman et al. '537 discloses (col. 7 lines 41-65) is a transmission (by the service center operator) from a transmitter located remotely from the vehicle to a receiver located in the vehicle, causing the vehicle to take some specific action (like unlocking the car doors). Applicant's invention pertains to a transmission from the vehicle to a receiver located remotely from the vehicle. Thus, Suman et al. '537 does not disclose what is lacking in Westerlage et

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al.: a transmitter (located in the vehicle) transmitting an identification code to the receiver (located remotely from the vehicle).

For the reasons stated above, Applicant submits that Westerlage et al. in view of Suman et al. '537 fails to teach or suggest each and every feature of claim 8 and, thus, claim 8 is allowable over the teachings of Westerlage et al. in view of Suman et al. '537.

Applicant respectfully traverses the rejection of claims 18-22 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Price et al.

Independent claim 18 recites that the vehicle tripmeter further stores "an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip." As stated above with respect to independent claim 6, Westerlage et al. does not disclose this feature. On page 8, lines 11-13 of the Office Action, the Examiner agrees. However, the Examiner contends that Price et al. teaches this feature and that it would have been obvious to those skilled in the art to modify the system of Westerlage et al. to include the storing of an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip "in order to distinguish whether the type of trip mileage to be accumulated is a business trip or a personal trip." Applicant respectfully submits that one skilled in the art would not have been motivated to so modify the Westerlage et al. system. The Westerlage et al. system is intended for tracking mileage of commercial vehicles such as heavy trucks and is not intended for use in tracking any types of vehicles that would be used for personal purpose.

Thus, one skilled in the art would not have considered modifying the Westerlage et al. system to track personal mileage since the vehicles with which it is to be used would not be used for personal purposes. Accordingly, independent claim 18, as well as claims 13-15, 17, and 19-22, which depend therefrom are allowable over the teachings of Westerlage et al. and Price et al. whether considered separately or in combination.

Applicant respectfully traverses the rejection of claims 10, 14, and 23 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Markow.

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With respect to claim 10, Markow fails to teach or suggest the deficiencies in the teaching of Westerlage et al. as applied to independent claim 6 from which claim 10 depends. Thus, claim 10 is allowable for at least those reasons stated above with respect to claim 6.

With respect to claim 14, Markow fails to teach or suggest the deficiencies in the teaching of Westerlage et al. as applied to independent claim 18 from which claim 14 depends. Thus, claim 14 is allowable for at least those reasons stated above with respect to claim 18.

In the Office Action, the Examiner argues that Markow teaches an input device mounted in the vehicle for receiving an input representing whether a trip is for business or personal purpose and for generating a signal representing the received input, wherein the tripmeter is coupled to the input device for accumulating vehicle mileage received from a mileage sensor as the vehicle travels in response to the signal received from the input device. However, Markow does not teach receiving an input signal to determine whether a trip is business or personal. The system disclosed in Markow can store or receive data about *specific sites*, including whether or not a given *site* is a business or personal site, but the Markow system does not receive input as to whether a given trip is a business or personal trip. Since it does not receive an input signal telling the system whether the given trip is business or personal, it cannot generate a signal representing that input to tell the system whether to accumulate or not accumulate mileage.

For the reasons stated above, Applicant submits that Westerlage et al. in view of Markow fails to teach or suggest each and every feature of claim 14 and, thus, claim 14 is allowable over the teachings of Westerlage et al. in view of Markow. In addition, claim 15, which depends on claim 14, is also allowable.

With respect to claim 23, Markow fails to teach or suggest the deficiencies in the teaching of Westerlage et al. as applied to independent claim 25 from which claim 23 depends. Thus, claim 23 is allowable for at least those reasons stated above with respect to claim 25.

Applicant respectfully traverses the rejection of claim 13 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of McCall et al.

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With respect to claim 13, McCall et al. fails to teach or suggest the deficiencies in the teaching of Westerlage et al. as applied to independent claim 18 from which claim 13 depends. Thus, claim 13 is allowable for at least those reasons stated above with respect to claim 18.

Applicant respectfully traverses the rejection of claims 15 and 24 under 35 U.S.C. 103(a) as being unpatentable over Westerlage et al. in view of Markow and Suman et al. '547.

With respect to claim 15, Markow and Suman et al. '547 fail to teach or suggest the deficiencies in the teaching of Westerlage et al. as applied to independent claims 14 and 18 from which claim 15 depends. Thus, claim 15 is allowable for at least those reasons stated above with respect to claims 14 and 18.

With respect to claim 24, Markow and Suman et al. '547 fail to teach or suggest the deficiencies in the teaching of Westerlage et al. as applied to independent claims 23 and 25 from which claim 24 depends. Thus, claim 24 is allowable for at least those reasons stated above with respect to claims 23 and 25.


In view of all of the foregoing, Applicant submits that the present invention as defined in the pending claims is allowable over the prior art of record. The Examiner's reconsideration and timely allowance of the claims is requested. A Notice of Allowance is therefore respectfully solicited.

Respectfully submitted,

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